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Case 1:08-cv-03743

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Filed 07/01/2008

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JUL 01 2008

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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
DIVISION

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

TONY SLOTSKY

(Name of the plaintiff or plaintiffs)

v.

EMPIRE TODAY

(Name of the defendant or defendants)

CIVIL ACTION

08CV3743

JUDGE NORGLÉ

MAGISTRATE JUDGE VALDEZ

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is TONY SLOTSKY of  
the county of COOK in the state of ILLINOIS.
3. The defendant is EMPIRE TODAY INC, who  
resides at (street address) 333 NORTHWEST AVE  
(city) NORTHLAKE (county) COOK (state) ILLINOIS (ZIP) 60164  
(Defendant's telephone number) (847) - 583-3000

4) The plaintiff sought employment or was employed by the defendant at

(street address) 333 NORTHWEST AVE

(city) NORTH LAKE (county) COOK (state) IL (ZIP code) 60164

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.  
 (b) ☐ was hired and is still employed by the defendant.  
 (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) JUNE, (day) 1, (year) 2006.

7. (a) The plaintiff [check one box] ☐ has not filed a charge or charges against the defendant  
☒ has  
 asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission on or about  
 (month) DEC (day) 21 (year) 2007.  
 (ii) ☒ the Illinois Department of Human Rights on or about  
 (month) DEC (day) 21 (year) 2007.

(b) If charges were filed with an agency indicated above, a copy of the charge is

attached. ☒ YES ☐ NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

8. (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) APR  
 (day) 13 (year) 2008 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) ☒ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☒ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

☐ YES ☐ NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☒ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ other (specify): \_\_\_\_\_

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13. The facts supporting the plaintiff's claim of discrimination are as follows:

REFUSE TO ALLOW TIME OFF FOR  
HIGH HOLIDAY STATING ITS NOT A RELIGION  
I BELONG TO BUT A SOCIAL CLUB.  
REFUSE AN ACCOMMODATION FOR DISABILITIES  
2 HEART-ATTACKS + NEED OF KNEE REPLACEMENT

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff. ON NUMEROUS TIME STATE IT TOFF GETTING OLD

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☒ Find that the defendant failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): DIRECT DEFENDANT TO  
PAY MONETARY DAMAGE

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

(Plaintiff's name)

(Plaintiff's street address)

(City) CHICAGO (State) IL (ZIP) 60608

(Plaintiff's telephone number) (224) - 321-7220

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Tony E. Slutsky**  
**1405 S. Clark St.**  
**Chicago, IL 60605**

From: **Chicago District Office**  
**500 West Madison St**  
**Suite 2800**  
**Chicago, IL 60661**

CERTIFIED MAIL: #7000 0600 0022 1012 5965



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2008-01459

**Karoline Szadkowska,**  
**Investigator**

(312) 886-1681

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

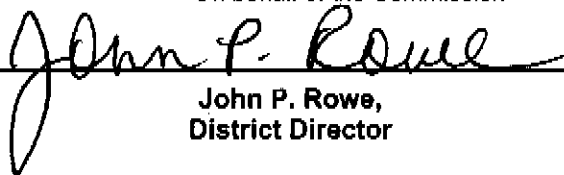
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
 John P. Rowe,  
 District Director

4/11/08

(Date Mailed)

Enclosures(s)

cc: **EMPIRE TODAY**

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**440-2008-01459****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Tony E. Slutsky**

Home Phone (incl. Area Code)

**(312) 431-0085**

Date of Birth

**07-04-1946**

Street Address

City, State and ZIP Code

**1405 S. Clark St., Chicago, IL 60605**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**EMPIRE TODAY**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(847) 583-3000**

Street Address

City, State and ZIP Code

**333 Northwest Ave., Hillside, IL 60162**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐

RACE

☐

COLOR

☐

SEX

☒

RELIGION

☐

NATIONAL ORIGIN

☐

RETALIATION

☒

AGE

☒

DISABILITY

☐

OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE  
Earliest Latest**07-01-2006****07-31-2007**☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with the above named Respondent in February 2003. My most recent position was Sales Man. During my employment I was subjected to harassment, I was denied a religious accommodation and a reasonable accommodation due to my disability. In July 2007, I was discharged.

I believe that I have been discriminated against because of my religion, Judaism, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe that I have been discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990. I further believe that I have been discriminated against because of my age, 61 (D.O.B. 07-04-1946), in violation of the Age Discrimination in Employment Act of 1967, as amended.

**RECEIVED EEOC****DEC 21 2007**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary (to State and Local Agency Requirements)

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

**Dec 21, 2007**

Date



Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)